

Water-Related Permits Process Improvement Team (WRPPIT)

Making clear whether and how a project gets to YES & transitioning to a consolidated state permit system.

MEETING RECORD

June 27, 9 - 4, 2nd Floor Conference Room, L&I Building, Salem

Members Present:

Jas Adams, DOJ (by phone)
Pat Allen, Office of Regulatory
Streamlining (RSL)
Kim Grigsby, Water Resources
Kirk Jarvie, DSL
Laura Leshner, Project Manager, Office of Regulatory
Streamlining (RSL)
Gary Lynch, DOGAMI
Patty Snow, ODFW
Christine Svetkovich, DEQ
Consultant:
Jenny Carmichael, Carmichael Consulting

Members Absent:

Ken Franklin, ODOT
Kevin Moynahan, DSL

Intermittent Members Not Present:

Dale Blanton, DLCDD
Tony Stein, OPRD
Susan White, SHPO

AGENDA

<u>TIME</u>	<u>AGENDA ITEM</u>	<u>LED BY</u>
9:00	Approve June 23 Meeting Record	Jenny
9:15	Blue-Print: New or Eliminated Work (Column 8)	Jenny
10:00	BREAK	
10:10	Review Draft MOA	Jenny
10:00	BREAK	
Noon	LUNCH (gravel group meets)	
1:00	Continue Review of Draft MOA including Escalation Process	Laura
2:30	BREAK	
3:30	Next Meeting: July 11, 2 nd Floor Conference Room, L&I Assignment: Individual Agency Agreements for MOA	Jenny
3:50	Review Today's Accomplishments, Celebrate WRPPIT's 1 st Birthday, Adjourn!	All

- Prior Meeting Record.** The June 23 meeting record was approved with a few small edits.
- Finish Blue-Print.** The Team completed Column 8 of the blue print to identify eliminated and new work with the redesign. Please see separate updated document.
- MOA.** Pat Allen was able to prepare a second draft of the MOA which is provided in Attachment A. Please see separate updated document for MOA that incorporates today's meeting changes.
- Review Draft Legislation.** Jas presented a second draft of the legislation to address potential timeline changes. The team asked Jas to prepare a 3rd draft that this time provides more flexible language for applicants who opt to be part of the Pilot. Jas will have that ready for the July 11 meeting. Pat also obtained an extension of one week from the July 14 timeline to July 21 for draft WRPPIT legislation.
- Next Meeting.** The next meeting will be July 11 from 1 – 4 in the L&I 2nd Floor Conference Room.

ATTACHMENT A – Draft #2
 Interagency Memorandum of Understanding
 on a Removal-Fill Permitting Pilot Project

I. Introduction

This Memorandum of Understanding (MOU) is hereby entered into by the Department of Environmental Quality (hereafter called “DEQ”), the Department of Fish and Wildlife (hereafter called “ODFW”), the Department of Geology and Mineral Industries (hereafter called “DOGAMI”), the Department of Land Conservation and Development (hereafter called “DLCD”), the Department of State Lands (hereafter called “DSL”), the Parks and Recreation Department (hereafter called “Parks”), and the Water Resources Department (hereafter called “WRD”). These agencies are hereafter referred to collectively as “Participating Agencies.”

II. Background

On May 12, 2005 a multi-agency team representing the agencies signing this agreement and the Office of Regulatory Streamlining issued a report identifying 34 actions that could be taken or researched to improve water-related permitting in Oregon. One of those recommendations was to change fundamentally Oregon’s Removal-Fill permit process so that all state requirements associated with removal-fill projects happen at one time and feel like one state permit to the applicant. The above-named agencies have developed a new permit processing system, and have agreed to establish a pilot effort to implement the system for certain permit applicants.

III. Pilot Project Defined

During the period of July 1, 2007 through June 30, 2009 all signing agencies will conduct a pilot project to be known as the “Oregon Removal-Fill Pilot” (Pilot). Parameters and goals of the Pilot are outlined below.

A. Purpose

The purpose of the Pilot is to test a newly designed Oregon Removal-Fill Permit that will include nearly all state requirements for removal-fill projects in Oregon in one permit. At present, several distinct permits are required, each with their own separate processes, timeframes, and requirements.

B. Permits Included

The following permits, reviews or other agency actions are included in the pilot process:

Agency	Permits/Reviews/Guidelines
DSL	Wetland Delineation
	Removal-Fill Permit
ODFW	In-Water Work Period Requirements
	Habitat Mitigation Requirements
	In-Water Blasting Permit
	Scientific Take Permit
	Fish Passage Waiver or Exemption
	Fish Passage Plan Decision [doesn’t this include a waiver?]
DEQ	1200-C Stormwater Permit
	401 Water Quality Certification
DLCD	Land Use Conditions [isn’t this local?]
	Coastal Zone Management Consistency Certification

Parks	Scenic Water Way Requirements
	State Historic Preservation Office Archeological Requirements
DOGAMI	Mineland Reclamation Permit
WRD	Water Use Authorization

C. Objectives

The objectives of the consolidated process are as follows:

- a. To improve applicant satisfaction with the process of obtaining all required state authorizations to undertake a removal-fill project.
- b. A single place to go for early, complete information on ALL state requirements.
- c. A single application for all state requirements.
- d. Pre-application meetings with appropriate state agencies participating to enable project proponent to design a project with all state requirements in mind.
- e. Removal of overlapping state agency jurisdictions over removal-fill project requirements.
- f. A single permit, with internally consistent requirements, that identifies desired outcomes in preference to implementation details.
- g. A faster and known timeline to obtain all state authorizations included in the consolidated Oregon Removal-Fill Permit.
- h. A lead agency to efficiently and effectively coordinate the involvement of all state agencies that regulate removal-fill projects in delivering an Oregon Removal-Fill Permit.
- i. A cross-agency team to continuously work to improve the Oregon Removal-Fill Permit product and process.

D. Removal-Fill Projects Eligible for the Pilot

Only select removal-fill projects will be eligible for the consolidated pilot permit. To be eligible, a removal-fill project must meet the following criteria:

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It is estimated that __, or __% of the anticipated removal-fill projects in Oregon for 2007-2008 and again in 2008-2009 will meet these criteria.

E. Pilot Process

The process to obtain the consolidated Oregon Removal-Fill Permit is outlined in Attachment X. This process will be followed, unless amended by all signing agencies.

F. Pilot Management Team

The Pilot will be managed by a team consisting of all signing agency Points of Contact. The Pilot Management Team is responsible to:

- collaboratively implement this agreement
- to develop and deliver customer and staff training as needed to implement this agreement
- develop an electronic super-application and project tracking system for the Pilot

G. Pilot Project Manager

DSL’s Point of Contact will be the Pilot Project Manager. An executive pilot project management team will consist of the Points of contact from DSL, ODFW, and DEQ.

H. Pilot Project Evaluation

The Pilot Project Management Team will develop a Pilot Project evaluation plan to assess how well this project has achieved its purpose and to determine whether the Pilot or some expanded or modified version of it should be continued after June 30, 2009.

IV. General Provisions

A. Definitions

For purposes of this MOU, the following definitions apply:

B. Responsibilities of All Participating Agencies

1. The participating agencies agree that DSL will be the lead agency responsible for coordinating all state authorizations related to removal-fill projects involved in the pilot.
2. Identify an individual to be responsible for fulfilling the obligations outlined in this MOU and to represented the agency on the Oregon Removal-Fill Permit Team. Contact person will also receive requests for pre-application participation and technical review and will ensure the right person from his or her agency responds in a timely way.
3. If disputes between Participating Agencies arise regarding individual applications participating in this pilot project, Participating Agencies agree to use the Dispute Resolution Process described in Attachment X, which is incorporated herein by reference.
4. Periodically assess customer satisfaction with the authorization processes governed by this agreement.
5. This pilot will be pursued only if the following statutory change is adopted by the 2007 Legislature:
6. This pilot will be pursued only if the following administrative rule are changes are adopted:

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Kimberly Grigsby 4/13/06 11:35 AM
Inserted: I would put the defined terms into alphabetical order, even though the def. of “water re-use” includes the term “reclaimed water.” (I know this seems strange and this is why I had originally proposed putting the terms together into one entry.)

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 C. Exploration of Gray Water Opportunities -

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C. Responsibilities of DEQ

D. Responsibilities of ODFW

E. Responsibilities of DOGAMI

F. Responsibilities of DLCD

G. Responsibilities of DSL

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1. Through the budgeting process, request fee and position authority to support 2 wetland delineation positions within DSL.

2. Identify a staff member to coordinate efforts among all signing agencies to implement this MOU. This person will also lead the Oregon Removal-Fill Permit Team.

H. Responsibilities of Parks

I. Responsibilities of OWRD

VI. Administration

A. Fiscal Limitations

This MOU imposes no fiscal obligations on any party. All Participating Agencies understand that all fiscal impacts will depend on the availability of funds and budget constraints.

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B. Authority

Each Participating Agency represents that the person who executes this MOA on its behalf has the authority to enter into this MOA on behalf of that Participating Agency.

C. Modification and Termination

This MOU may be modified at any time by the mutual written agreement of the Participating Agencies. Each Participating Agency may terminate its involvement in the MOU upon thirty days written notice to the other Participating Agencies.

This MOU will be effective as of the last date signed below.